

REMARKS

By the above actions, claims 1, 3, 4, and 9 have been amended, the amendment to claim 4 merely eliminating a redundant instance of the word “is.” It is noted that support for the recitations of amended claim 1 with respect to the display windows can be found, e.g., in paragraph [0010] and with respect to the automatic actions in, e.g., paragraphs [0020], [0024] and [0027]. In view of these actions and the following remarks, further consideration of this application is requested.

Claim 1 was rejected under 35 USC § 112, first paragraph as failing to comply with the written description requirement with respect to the recitation that the recitation of “automatically sending directly from the at least one query data server, an input request for inputting of response data from the client to the user of the client.” This rejection is considered to be entirely unfounded as is the Examiner’s contention that such is not supported by Fig. 1.

In particular, not only does Fig. 1 show what any one of any skill in the art would view to be a direct connection between the client and feedback servers 2 and 3 and the client 4 that does not go through, i.e., bypasses, the display servers 8, 9, and 10, but paragraphs [0027] and [0040] describe how it is “advantageous to transmit the response data directly online to the feedback server” from a client and that “a very important advantage lies in direct acquisition of response data centrally on the feedback server 3.” Inasmuch as the connection between the query data server 2 and the client 4 is shown as being the same as that between the client and the feedback server 3, it would be understood that the same direct connection would exist between them. Thus, since one of ordinary skill would understand that the inventors were in possession of the claimed invention at the time that the application was filed, withdrawal of the rejection under 35 USC § 112, first paragraph as failing to comply with the written description requirement is in order and is hereby requested.

Claims 1, 3, and 9 were rejected under 35 USC § 112, as being indefinite for the reasons noted on page 3 of the Office Action. The amendment to claim 3 corrects an error therein and addresses the antecedent basis issue related thereto at the same time. Likewise, claim 9 has been amended to address the antecedent basis issues raised relative thereto.

As for the Examiner's positions relative to claim 1, they appear to be directed more to issues of breadth than definiteness and an attempt to require limiting of the scope of the claims beyond that required by the prior art. Nonetheless, amended claim 1 is submitted to both be clear and definite and address the issues raised by the Examiner relative to the indicated limitations of claim 1.

On the basis of the foregoing, withdrawal of the rejection under § 112, second paragraph, is order and is hereby requested.

Turning now to the rejections, claims 1, 2, and 4-7 under 35 USC § 102 as being anticipated by the disclosure of the Dyer et al. patent application publication (hereafter, "Dyer"), and of claim 3 under § 103 based upon the combined teachings of the Dyer and the Hewitt et al. patent application publication (hereafter, "Hewitt"). However, to the extent that this rejection may relate to the claims as now presented, it is inappropriate for the following reasons.

First, it appears that these rejections must be dependent on the Examiner's positions with respect to the claims under § 112 as much as they are on the prior art given the comments contained in his Response to Arguments section, and since the applied references do not teach the present invention when the claims are construed on the basis of their intended meaning especially as now presented. In particular, the paragraphs cited by the Examiner in support of his positions do not disclose what he purports them to indicate.

For example, nowhere in paragraph [0035] is it indicated that there is an overlap in time of the display data set retrieved from a display data server and an input request from a query data server as claimed nor is any disclosure of a questionnaire being presented "alongside" a webpage as contended; see, Fig. 4 where the questionnaire is displayed by itself. Likewise, there is no disclosure no disclosure of "directly" sending an input request from the at least one query data server while the display data set is transmitted from the display data server, i.e., the display data set and the input request are sent from two different servers, the input request not being routed through the display data server. To the contrary, three options are disclosed, none of which are that which is claimed here. Paragraph [0035] describes the situation where the display server and the query server are one and the same. Paragraph

[0036], indicates that, if the questionnaire is at a second location, the data is redirected to/from the second location by the display server. The third situation is where the questionnaire is created at the client (see, paragraph [0039]).

As was pointed out in applicants' prior response and at a preceding interview, the present invention allows information to be drawn from multiple sources and presented at the client (paragraph [0039] gives the example where online questioning about the "Internet pages of various suppliers" being possible using Internet pages drawn "from different suppliers") without compromising proprietary information of the individual sources since display data set can be a view only data set with a separate window being provided for user input and because transmission of display data and query/feedback data involve at least two separate servers with the data traveling to/from each other without the query having to pass through the display data server.

Hewitt is relied upon by the Examiner with regard to the synchronous display of the display data set and the input request so as to overlap in time. However, the teaching of the Hewitt et al. publication also teaches providing the information given to the user from the same source, i.e., the internet radio server in direct contrast to the method of the present invention in which data from different sources are brought together for simultaneous display to the user from different sources as noted above.

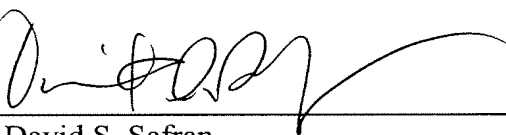
Thus, the present invention as defined by the amended claims cannot be considered to have been rendered obvious, let alone anticipated, by the teachings of the Dyer, nor can the present invention be found to have been rendered obvious by the combined teachings of the Dyer and Hewitt. Thus, the rejections based upon the Dyer and upon the Dyer and Hewitt should be withdrawn and such action is requested.

Claims 8-10 have been rejected under § 103 based upon the combined teachings of Dyer and the Lippiner et al. and Gorodetsky et al. publications, while claims 11 and 12 have been rejected under § 103 based upon the combined teachings of the Dyer and the Musgrove patent. However, nothing in the Lippiner et al. and Gorodetsky et al. publications or in the Musgrove patent can make up for the shortcomings of Dyer noted above. Thus, even if the features for which these references are cited were to be utilized in Dyer's method, the

invention as defined by amended claim 1 still would not result, nor would it be rendered obvious because the Lippiner et al. and Gorodetsky et al. publications also do not teach the simultaneous display of data received directly from two different sources. Thus, withdrawal of these rejections are also requested.

Therefore, in the absence of new and more relevant prior art being discovered, this application should now be in condition for allowance and action to that effect is requested. However, while it is believed that this application should now be in condition for allowance, in the event that any issues should remain, or an new issues arise, after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for the purpose of resolving any such issue and thereby facilitating prompt approval of this application.

Respectfully submitted,

By: 
David S. Safran
Registration No. 27,997

Customer No. 25570

Roberts Mlotkowski Safran & Cole, P.C.
PO Box 10064
McLean, VA 22102

Direct Telephone: (703) 584-3273

DSS:kmm